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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,638	04/22/2004	Kevin J. Torek	MICRON.096C1	7034

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EXAMINER

MACARTHUR, SYLVIA

ART UNIT PAPER NUMBER

1763

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/829,638

**Applicant(s)**

TOREK ET AL.

**Examiner**

Sylvia R. MacArthur

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/11/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-38 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-60 of copending Application No.

10/847,222. Although the conflicting claims are not identical, they are not patentably distinct from each other because the two sets of claims feature a change in scope. Namely, the present invention claims at least one wafer process chamber wherein an ozone-rich environment exists within the wafer processing chamber, a rotator that creates a gap between a wafer and a wafer cassette, wherein the rotator is *configured to rotate the wafer*, a sprayer; and a pulsating fluid source, the pulsating fluid source *configured to pulse* the solution through the sprayer into the ozone-rich environment *while the wafer is rotating*. In comparison, the co-pending application claims at least one wafer process chamber wherein an ozone-rich environment exists within the wafer processing chamber, a rotator that creates a gap between a wafer and a wafer cassette, wherein the rotator *rotates the wafer while allowing the cassette to remain substantially stationary*. This is a provisional obviousness-type double patenting rejection because the

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conflicting claims have not in fact been patented. The scope of the present invention is broader than that of the co-pending invention, such that claims of the co-pending application 10/847,222 anticipate the claims of the present invention.

***Terminal Disclaimer***

3. The terminal disclaimer filed on 12/7/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,758,938 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 5, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman.

Bergman et al teaches a wafer processing chamber 15 with an ozone rich environment. Bergman et al further teaches a sprayer 40, pumping mechanism 55 (pulsating fluid source), a rotator 30.

Note Figs. 1 and 2 illustrate a gap between the cassette and the wafer. Rotor assembly 30 is provided so that the wafers 20 are spun during treatment, see col. 4 lines 21-29. The wafer is located between the sprayers 40 and the rotator 30.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al (6,273,108) in view of Erk et al (US 5,593,505).

Regarding claim 2:

Bergman et al fails to teach that the cassette remains stationary while rotating.

Erk et al teaches cleaning wafer using sonic energy. Erk et al further teaches a rotator wherein a cassette is stationary, see co. 6 lines 50-55. The motivation to modify the apparatus of Bergman et al with the rotator of Erk et al is that the carrier provides ample support to the wafer despite the rotation of the wafer.

Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to modify the apparatus of Bergman et al to include the rotator of Erk et al.

Regarding claim 3: Claim 6 of Erk et al teaches that the wafer is rotated at 8 rpm, which is less than 100 rpm. In col. 6 lines 25-35, Erk et al teaches that the velocity at which the wafers are rotated allows for rapid cleaning which makes the process efficient. The velocity of rotation is a result effective variable commonly determined by routine experimentation. Conducting routine experimentation would result in determining the optimal velocity to rotate the wafers to produce the best cleaning result obvious to one of ordinary skill in the art.

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Thus it would have been obvious for one of ordinary skill to rotate the wafers at an optimal velocity in order to produce the desired cleaning result.

6. Claims 6, 10-14, 17, 18, 22-27, and 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al in view of Dautartas et al (US 6,124,158).

The apparatus of Bergman a pump in brief and fails to teach specifics about the pulsating fluid source.

Dautartas et al teaches a semiconductor apparatus wherein pulsed valves selectively pulse fluid through a sprayer see col.4 lines 24-27 and col.5 lines 14-20. The motivation to include the pulsed valves of Dautartas et al is that they provide enhanced flow control, increased efficiency and reliability. Thus, it would have been obvious at the time of the claimed invention to modify the apparatus of Bergman et al in view of the pulsed valves of Dautartas et al.

Regarding claims 6,10, 13: Dautartas et al teaches the frequency of pulsing in cols. 5 and 6.

Regarding claims 11-13 and 29: The cassette of Erk et al is configured to hold a plurality of wafers see Fig.1. Note wafers are positioned between the rotator and sprayer in Bergman et al.

Regarding claims 14: Dautartas et al discloses that the ozone pulses from 1 to 10 seconds see col. lines 5-15.

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Regarding claim 27: Figs. 1, 2, 4, and 5 of Bergman et al illustrates a plurality of nozzles.

8. Claims 16, 19, 28, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al in view of Dautartas et al as applied to claims 6, 10-14, 17, 18, 22-27, and 29-36 above, and further in view of Erk et al.

Regarding claims 16 and 28: The teachings of Bergman et al and Dautartas were discussed above. Both fail to teach temperature of the solution.

Erk et al teaches the bath (chamber) temperature is 60deg. C. The temperature of the chamber is a known optimizable parameter known to depend upon the type of solution and the desired process result. Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to maintain an optimal temperature of the chamber that would result in the desired cleaning result.

Regarding claim 19: Claim 6 of Erk et al teaches that the wafer is rotated at 8 rpm, which is less than 100 rpm. In col. 6 lines 25-35, Erk et al teaches that the velocity at which the wafers are rotated allows for rapid cleaning which makes the process efficient. The velocity of rotation is a result effective variable commonly determined by routine experimentation. Conducting routine experimentation would result in determining the optimal velocity to rotate the wafers to produce the best cleaning result obvious to one of ordinary skill in the art.

Regarding claim 37: Erk et al teaches cleaning wafer using sonic energy. Erk et al further teaches a rotator wherein a cassette is stationary, see co. 6 lines 50-55. The motivation to

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modify the apparatus of Bergman et al modified by Dautartas et al with the rotator of Erk et al is that the carrier provides ample support to the wafer despite the rotation of the wafer.

9. Claims 16, 19, 28, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al in view of Dautartas et al as applied to claims 6, 10-14, 17, 18, 22-27, and 29-36 above, and further in view of de Boer et al (US 5,902,407).

The teachings of Bergman et al and Dautartas et al were discussed above.

Both fail to teach a rotator that rotates the wafers at a plurality of speeds.

DeBoer et al teaches a rotatable substrate support wherein a variable speed motor is provided to the substrate support to allow variation in support rotation. The motivation to introduce the variable speed motor of DeBoer et al into the apparatus of Bergman as modified by Dautartas et al is that the ability to control the speed of rotation will enhance the overall control of the wafer handling in the treatment process. Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to introduce the variable speed motor of DeBoer et al into the apparatus of Bergman as modified by Dautartas et al.

10. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman in view of Schrandt (US 5,695,092).

The teachings of Bergman et al were discussed above. Bergman et al teaches a pump 55 is connected to the fluid source. Pumps are art recognized suitable means of mass transport and known to provide steady flow or periodic/pulsating flow.

Bergman et al fails to teach the duty cycle of the pulsating fluid source (pump).

Schrandt teaches that pumps can be controlled to produce a desired duty cycle that will provide the mass flow necessary or optimal for the process. The motivation to modify the



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apparatus of Bergman et al to provide a pump with the duty cycle to provide the optimal amount of solution to the cleaning process. Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to provide the proper duty cycle that will yield the optimal mass flow that will enhance the cleaning process of the wafers.

11. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman et al in view of Dautartas et al as applied to claims 6, 10-14, 17, 18, 22-27, and 29-36above, and further in view of Schrandt (US 5,695,092).

The teachings of Bergman et al as modified by Dautartas et al. The combined teachings of Bergman and Dautartas et al fails to teach the duty cycle of the pulsating fluid source (pump). Schrandt teaches that pumps can be controlled to produce a desired duty cycle that will provide the mass flow necessary or optimal for the process. The motivation to modify the apparatus of Bergman et al to provide a pump with the duty cycle to provide the optimal amount of solution to the cleaning process. Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to provide the proper duty cycle that will yield the optimal mass flow that will enhance the cleaning process of the wafers.

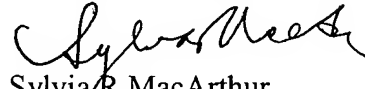
### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R. MacArthur whose telephone number is 571-272-1438. The examiner can normally be reached on M-F during the core hours of 9 a.m. and 3 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sylvia R MacArthur  
Patent Examiner  
Art Unit 1763

December 22, 2005